



Plattsburgh, New York

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January 25, 2011

C. J. Madonna
Deputy Town Attorney
Town of Plattsburgh
Town Board and Planning Board
151 Banker Road
Plattsburgh, NY 12901-7307

**Re: Clinton County Compost Facility
EAF Circulated November 9, 2010
EAF 11/9/10 Part 1, Supplement 1**

Dear Mr. Madonna and Honorable Board Members:

Thank you for your correspondence of December 11, 2010 in response to the circulation of a Long Environmental Assessment Form dated November 9, 2010 the subject of which is the proposed modification to two existing permits issued by the New York State Department of Environmental Conservation (NYSDEC) to the City of Plattsburgh for the operation of the Clinton County Compost Facility (CCCF).

This SEQR review is being conducted in connection with two applications to modify existing DEC permits for Air Handling and Solid Waste. The existing permits, the applications to modify, and studies and engineering reports submitted with the applications are hereby incorporated by reference into this EAF Part 1, project description. These documents are more particularly described as follows:

1. Air Permit Part 1
2. Air Permit Part 2
3. Solid Waste Permit

Ltr. to: CJ Madonna & Board Members
From: Jonathan P. Ruff
Date: January 25, 2011
Ref: Environmental Assessment Form Comments
Page 2

4. O & M Manual
5. Public Participation Plan
6. Public Information Meeting Slideshow
8. EJ Progress Report 2/Final
9. Existing Solid Waste and Air Permits

Hard copies of these documents were previously delivered to the Town of Plattsburgh in conjunction with the Environmental Justice aspect of this review. The documents are also available for review, and may be downloaded and printed, on the City of Plattsburgh's website: <http://www.cityofplattsburgh.com/>. The City's website also includes the following documents pertinent to the SEQR review:

1. EAF Part 1 dated 6/4/2010.
2. Revised and Updated EAF Part 1 dated 11/9/2010.
3. Letter from Town of Plattsburgh 12/11/10 – Comments on EAF Part 1
4. Letter reply to Town of Plattsburgh 1/25/ 2011 (also identified as EAF 11/9/10 Part 1, Supplement 1)

In response to your unnumbered comment that it appears an EAF was not prepared when the City Council declared its intent to be Lead Agent, this is incorrect. An EAF dated June 4, 2010 was completed prior to the City Council taking action. The EAF dated November 9, 2010 is a revised EAF that better describes the proposed action.

For your convenience, and the public's, we have reprinted your comments with our responses in bold. The November 9, 2010 EAF Part 1 is supplemented by this response to your comments. For future reference this response is identified as "EAF 11/9/10 Part 1, Supplement 1".

Ltr. to: CJ Madonna & Board Members
From: Jonathan P. Ruff
Date: January 25, 2011
Ref: Environmental Assessment Form Comments
Page 3

1. Page 1 references the completion of EAF Parts 1, 2 and 3. If this is accurate, completion of Parts 2 and 3 is premature, especially in light of this request for comments. **The check boxes for Parts 2 and 3 were checked in error. Parts 2 and 3 have not been completed.**
2. Page 2: Description of Action. No detail provided on the alternative process identified in the description. Further, we indicated above the city failed to provide the current application materials along with the EAF. The description fails to describe any changes, additions or modifications to address the inability of the city operator to dispose of stock piled treated sludge or other problems associated with the 2002 through 2006 operational period before the waste treatment facility was shut down by the City. **This comment was responded to in the introductory paragraphs of this letter. All permit application information was previously provided and is available for review on the City website.**
3. Page 2: Drainage. It identifies nearly 60% of the site as poorly drained. There needs to be provided more detail on this as it could lead to a potentially significant adverse environmental impact.
4. Page 3: Archeological sensitivity. The EAF identifies site as including an area of sensitivity. However, provides no information about further investigation or coordination with OPRHP. This could lead to a potentially significant adverse environmental impact.
5. Page 3: Sole Source Aquifer. Site is identified as located above sole source aquifer, but fails to provide additional information regarding measures to protect it. This could lead to a potentially significant adverse environmental impact.
6. Page 3: Wildlife. Fails to provide any information beyond DEC's resource map. Further study required to confirm no potential adverse environmental impact, especially given site's proximity to Saranac River and on-site wetlands. Refer to DEC's amended ESA regulations.

Ltr. to: CJ Madonna & Board Members
From: Jonathan P. Ruff
Date: January 25, 2011
Ref: Environmental Assessment Form Comments
Page 4

7. Page 3. Community recreation resource. This fails to recognize the relevance of the site due to proximity to Saranac River and the use by the community of the river shoreline for recreational use, especially for tubing.
8. Page 3: Wetlands. Federal wetlands inventory map identifies approximately 4.27 acres of federal wetlands on site. Wetlands delineation should be provided in order to be able to assess potential adverse impacts to this resource. Is the flood plain proximate to the site?

EAF Part 1 requires these site features to be identified and described. Whether the description is sufficient depends on whether the proposed Action or Project involves a "physical alteration" to the site, which might impact these site features. 6 NYCRR Part 617.2(ab) defines the term as:

(ab) Physical alteration includes, but is not limited to, the following activities: vegetation removal, demolition, stockpiling materials, grading and other forms of earthwork, dumping, filling or depositing, discharges to air or water, excavation or trenching, application of pesticides, herbicides, or other chemicals, application of sewage sludge, dredging, flooding, draining or dewatering, paving, construction of buildings, structures or facilities, and extraction, injection or recharge of resources below ground.

There will be no physical alteration to the project site, however, portable mixing equipment and processing material storage tanks may be located inside and adjacent to the existing structures. Also, the storage and processing of sludge and the finished product will occur in an existing structure with floor drains that are connected to existing sanitary sewer lines. Since there will be no physical alteration to the project site, the description of the site features is accurate and complete.

Ltr. to: CJ Madonna & Board Members
From: Jonathan P. Ruff
Date: January 25, 2011
Ref: Environmental Assessment Form Comments
Page 5

9. Page 3: Public Utilities. Should be identified with confirmation of adequacy from the providers. **The site is served by public water and sewer. The site is served by existing telecommunication and electrical service lines. The estimated electrical usage is 57,000 kwh per month. The existing electrical system has much greater capacity than the projected demand.**
10. Page 3: Project Description. Total acreage identified as controlled by City equals 177.1 acres. However, project acreage, including undeveloped lands only equals 43.9. The City should identify its intentions for the remaining unused lands that it controls. **The EAF correctly identifies the total contiguous acreage controlled by the City and the acreage used for sludge processing operations. The City has no plans or intentions concerning the vacant, contiguous land. Operation of the CCCF using alkaline treatment does not require use of any contiguous lands. The project acreage identified in the EAF is correct.**
11. Page 3: This project as described appears to be an expansion. **The project is not an expansion, but adds an alternative method of treatment at a lower volume.**
12. Page 3: Vehicle trips. A traffic report or some other support should be provided for the City's trip generation figure as well as conclusion on page 5 about traffic generation. **The anticipated volume of truck traffic is described in the permit application materials including the engineering report. To summarize, at 40 wet tons per day, the engineering report states that two dump trailers (20 wet tons each) would be required with one alkaline admixture tanker and three product delivery trucks for a total of six trucks per day. The value of ten was used in the EAF to provide a peaking factor. It should also be noted that the EAF requests peak hour trips, and the ten trips conservatively estimated are actually a daily value.**

Ltr. to: CJ Madonna & Board Members
From: Jonathan P. Ruff
Date: January 25, 2011
Ref: Environmental Assessment Form Comments
Page 6

13. Page 3: Linear feet of road frontage. Adjacency along I-87 is misleading because it is not legitimate road frontage, since no viable access. **The CCCF is accessible via Reeves Lane, a public thoroughfare. According to the 2010 Clinton Co. Real Property GIS Parcel database, the road frontage of parcel 220.-4-32 on Reeves Lane is 110'.**
14. Page 4: Job creation. City identifies no jobs to be created. This implies it is self-automated and ready to go. However, comments and reference to a fire and non-use have been made. This discrepancy needs clarification. **Implementation of the alkaline treatment process is not expected to result in new jobs. City employees will staff the facility. Personnel will be on site during sludge processing.**
15. Page 4: Phases. City disregards the County sale phase of this project. In addition, fails to consider future phases/expansions that were noted in earlier materials. This is only a portion of the property under the City control. Your review of the project is being segmented. **The transfer of the CCCF property from the County to the City is not a phase of the project. The City has an agreement with the County to operate the CCCF, including obtaining all necessary permits. The transfer of title to the property is not necessary to obtain permits or implement the alkaline treatment process. A change in ownership is an independent, unrelated action.**
16. Page 4: Liquid waste disposal. How will leachate/excess liquids from sludge be managed? Is any dewatering involved in the process? An on-site management or disposal could result in a potential significant adverse environmental impact.

Ltr. to: CJ Madonna & Board Members
From: Jonathan P. Ruff
Date: January 25, 2011
Ref: Environmental Assessment Form Comments
Page 7

The sludge that is processed with alkaline treatment is dewatered at the City's wastewater treatment plant. Dewatering operations will not occur at the CCCF. The areas used for alkaline treatment have are paved and drain to the existing sanitary sewer system.

17. Page 4: Odors. No support provided for negative response about routine odors production. Same for operating noise. Given site history, both, but especially the former, are likely a source of potential significant environmental impact and therefore a legitimate basis for a positive declaration. Numerous comments were received at the Environmental Justice hearing and the impacts having been addressed are ignored in the EAF. **EAF Part 1, 19 is revised from no to yes. The project may routinely produce odors inside the processing building; however, we do not believe the odors will be detectable off site. Please refer to the Air and Solid Waste permit applications for a detailed discussion of odor impacts. The potential for odor impacts will be assessed in Parts 2 and 3 of the EAF.**
18. Page 4: Any chemicals to be used in the process and stored on site? **As stated in the application materials, liquid chemicals are not proposed for use on the site. The materials proposed for use are sludge, ash, lime kiln dust, cement kiln dust, and quicklime (CaO). Material storage on site will be carried out as required by the facility's operating permits, utilizing best management practices and spill prevention controls and countermeasures.**
19. Page 4: Public funding. But an EPA grant was mentioned. **The CCCF was initially constructed using US EPA funds. However, the action that is the subject of the EAF does not include securing any new or additional sources of public funds.**

Ltr. to: CJ Madonna & Board Members
From: Jonathan P. Ruff
Date: January 25, 2011
Ref: Environmental Assessment Form Comments
Page 8

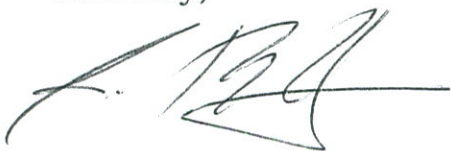
20. Page 5: Failure to identify both the Town Board and Planning Board and the County as involved agencies. Complete disregard for Town zoning approvals and the moratorium. No support for conclusion of consistency with local land use plans (clearly not consistent with moratorium that is part of the local land use plan). **The County is not an involved agency because its permission or approval is not required to apply for the permits or to process sludge. The issue of which Town agencies are involved agencies has been decided by the Commissioner of the Department of Environmental Conservation. The current Town comprehensive plan, the most recent draft revision of the comprehensive plan, and the zoning law are consistent with the proposed use. The moratorium is not an adopted local land use plan.**
21. Page 5: No support for consistency with surrounding land uses. The City does not provide sufficient information to determine whether the proposed action will discourage the development and use of adjacent lands and whether the nature, scale and intensity of use is appropriate for this site. **The project site is zoned industrial. The use of the property as a site for processing sludge is a permitted, existing use. The use is not being expanded.**
22. City should refrain from moving ahead with SEQRA review while litigation is pending on the scope of the SEQRA review inclusive of the County sale. Same comment related to the moratorium. **See response to your comment 15.**
23. Inconsistent answers in Part 1 section B. At part b, item 16 the project will generate solid waste was affirmative, however, the anticipated rate was purported to be less than 1 ton, what was the amount of the tonnage delivered to the county landfill during the prior operations, does that support that calculations. **The solid waste described in question 16 on page 4 of the EAF represents incidental trash generated from operations, such as office paper, employee lunch packaging, etc.**

Ltr. to: CJ Madonna & Board Members
From: Jonathan P. Ruff
Date: January 25, 2011
Ref: Environmental Assessment Form Comments
Page 9

24. Further part B item 16 (d) has an affirmative response to the question if any wastes will not go into a sewage disposal system or into a sanitary landfill. The City failed to report or mention that the prior operations allowed the wastes to be spread upon the ground on area farms. Further, that such action was determined that the sludge was a solid waste. Please provide what measures will insure that will not allow this to happen again. **The alkaline treatment process results in a product with agronomic benefit and is not considered a solid waste under NYSDEC regulations. The application materials for the permit modifications discuss appropriate use of the product. Market analysis indicates that sufficient demand exists for the amount of product that could be produced.**

It should be noted that previous operations at the CCCF for which permits have expired (e.g. N-Viro) are irrelevant to the present action. In addition, a comparison of the existing permitted operations and the proposed permit modification were provided in application materials and the Fact Sheet distributed as part of the Environmental Justice process. In summary, the facility is presently permitted to compost 140 wtpd of sludge using in-vessel and static pile methods. The permit modification seeks to allow treatment of up to 40 wtpd of sludge using alkaline treatment. 40 wtpd is a 70% decrease in volume over presently permitting methods.

Sincerely,



Jonathan P. Ruff, P.E.
Environmental Manager

Attachment: Revised EAF Part 1, Page 1.

C: Denise Wagner, NYSDEC Region 5
John CLute